IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 931 of 2005 (S/S)

1. Dalip Singh S/o Vishram Singh Gusain
   R/o Village & P.O. Chaid Talla Khatseuin
   District Pauri Garhwal
2. Yudhbeer Singh S/o Ganaga Singh Negi
   R/o Village & P.O. Nishani Vidolseuin
   District Pauri Garhwal …….. Petitioner

Versus

1. State of Uttaranchal through
   Director of Education
   Dehradun
2. Deputy Director of Education
   (Madhyamik) Pauri
3. District Education Officer
   Tehri Garhwal
4. Principal/Pracharya
   Govt. Inter College Bidoli
   District Pauri Garhwal …….. Respondents

Sri N.S. Pundir, learned counsel for the petitioners.
Sri Paresh Tripathi, learned standing counsel for the State.

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 30.06.2005 (annexure No. 1 and 2 to the petitioner) passed by the respondent No. 3 i.e. District Education Officer, Pauri Garhwal.

Brief facts giving rise to this petition are that the petition No. 1 was appointed as Assistant Teacher (C.T. Grade) in Rajkaiya Uchtar Madhmyik Vidhayala Chopdiu, District Pauri Garhwal. He was transferred on 01.01.1991 frfom Rajkaiya Uttachar Madhamyik Vidhayala, Chopdiu District Pauri Garhwal to Rajkaiya Uchtar Madhamyik Vidhayala, Gaulkhundo District Pauri Garyhwal. Thereafter, on 01.01.1997 he was transferred from Rajkaiya Uchtar Madhamyik Vidhayala, Gaulkhundo, District Pauri Garhwal to Government Inter

College Bidoli District Pauri Garhwal. Thereafter, once again respondent No. 3 transferred the petitioner vide order dated 30.06.2005 from Government Inter College Bidoli, District Pauri Garhwal to Government Inter College Mojkhal District Pauri Garhwal.

While, the petitioner No. 2 was initially appointed as Assistant Teacher (C.T.) Grade in Government Inter College Khersu District Pauri Garhwal. In the year 1986, he was transferred from Government Inter College Khersu District Pauri Garhwal to Rajkaiya Uchtar Madhamyik Vidhayala, Pida Dhanpur, District Pauri Garhwal (now in District Rudraprayag). Thereafter, in the year 1988, he was transferred from Rajkaiya Uchtar Madhamyik Vidhayala, Pida Dhanpur District Pauri Garhwal to Rajkaiya Uchtar Madhamyik Vidhayala, chempshwar, District Pauri Garhwal. Thereafter, he was transferred several times from different schools in the same District.

The respondent No. 3 vide impugned transfer order dated 30.06.2005 transferred the petitioner from Government Inter College Bidoli District Pauri Garhwal to Government Inter College Ghindwara District Pauri Garhwal.

Feeling aggrieved by the aforesaid impugned transfer order dated 30.06.2005, the petitioner have preferred this writ petition before this Court.

Heard learned counsel for the petitioners as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioners has invited my attention towards the Government Order No. 718/XXIV(2)/2005 dated 13.05.2005 providing the Rules of Transfer of Teacher relating to Basic and Secondary Education.

I do not find any force in the argument advanced by the learned counsel for the petitioner.

In view of the submission advanced by the learned counsel for the petitioner as well as the documents filed by him along with this writ petition, I am of the opinion that the writ petition should be finally

disposed of at this stage with the direction that the respondent No. 3 i.e. District Education Officer should decide the representation of the petitioner in the light of the Government Order which has been mentioned in the body of the judgment.

Accordingly, the writ petition is disposed of finally.

However, it is open for the petitioner to move representation before the respondent No. 3 within a period of 15 days along with certified copy of the judgment and the respondent No. 3 shall thereafter decide the representation of the petitioner within a period of 30 days by passing the speaking and reasoned order.

(B.C. Kandpal, J.)

12.07.2005
ASWAL